

STATE-TRIBAL RELATIONS COMMITTEE

Study Assignment

The State-Tribal Relations Study Committee selected its study topics for the 2002 Interim at its first meeting. The committee decided to address the question of the coordination of emergency and disaster response systems and activities between tribal, state, and local entities, including the potential for terrorist acts and appropriate responses. The committee also requested a review and update of developments related to nursing homes and long-term care on Indian reservations. In addition, the committee decided to address the topic of the condition and treatment of Native Americans in the penal system in South Dakota, focusing on adults in the state prison system.

Summary of Interim

The State-Tribal Relations Study Committee is an ongoing interim committee that was created in statute (SDCL 2-6-20) in 1993 as a part of the state's reconciliation efforts. The committee, which generally does not propose legislation, provides a forum within state government for discussion by Indians and non-Indians of issues affecting the Native American community. The committee also serves as a way of familiarizing legislators with such issues.

The first meeting was held in the Capitol on July 31, 2002, with the primary task of selecting study topics for the 2002 Interim. Unlike other interim committees, which are temporary and are established to study particular issues, the State-Tribal Relations Committee is ongoing and selects its own study topics at the beginning of the interim. Committee members, who are appointed for two-year terms, also select their own chair and vice chair, and their 2001 selections, Senator J.E. "Jim" Putnam as Chair and Representative Stan Adelstein as Vice Chair, continued in their positions during the 2002 Interim. As noted above, the committee chose to study emergency and disaster response, nursing homes and long-term care, and conditions for Native Americans in the prison system for the 2002 Interim. At the first meeting, the committee also heard substantial public testimony on the topic of Native Americans in the prison system.

At the second meeting, which was held in Pierre on September 13, the committee heard presentations and public testimony about emergency and disaster response systems administered by tribal governments and other governmental entities, focusing on coordination and cooperative efforts in this field between tribes and other governments. Mr. John Berheim, Director of the South Dakota Division of Emergency Management, briefed the committee on emergency response procedures by the state of South Dakota and efforts by the state and tribes at joint training and coordination of efforts. Mr. Berheim also explained the role of various federal emergency response agencies and funding arrangements for the various entities. Mr. Bryce In-the-Woods, Civil Defense Coordinator with the Cheyenne River Sioux Tribe, described his duties and his view of emergency response issues and concerns. He has participated in a number of trainings and meetings sponsored by federal agencies on this subject. Each tribe has an emergency and disaster or civil defense coordinator. A representative of the regional office of the Federal Emergency Management Agency in Denver was scheduled to appear before the committee, but was unable to attend.

At the second meeting, the committee also heard an update on issues related to long-term care and the need for nursing homes on Indian reservations. Ms. Danna Jackson of Senator Tim Johnson's office and Mr. Chris VandeVenter of Senator Tom Daschle's office joined the meeting

by telephone conference call and discussed the nursing home issue and pending legislation introduced by the two Senators that would provide federal funding for nursing homes on reservations. Mr. Mike Vogel of the South Dakota Department of Social Services discussed recent developments on the issue and reiterated the state's position that long-term care on Indian reservations is a federal responsibility. Mr. Vernon "Ike" Schmidt, Vice President of the Rosebud Sioux Tribe, described for the committee the experience of the Rosebud Sioux Tribe in purchasing and operating an existing nursing home in White River, near the reservation boundary. He also discussed the general need for nursing homes on reservations. The committee heard public testimony on both issues.

The committee's third meeting was held on November 14-15, 2002, in Pierre and addressed the issue of Native Americans in the penal system. The meeting focused on conditions for Native American adults in the South Dakota prison system. The committee heard a presentation by Ms. Laurie Feiler of the South Dakota Department of Corrections discussing Native American prison statistics in South Dakota and surrounding states and outlining state corrections system policies and programs that affect Native Americans. She also provided information on Native American religious activities in the prison system and related issues. The committee also heard a presentation by two University of South Dakota professors, Dr. Richard Braunstein of the Department of Political Science and Dr. Steven Feimer of the Government Research Bureau. They discussed the preliminary results of a study they are conducting on Native Americans in the criminal justice system, entitled "Justice in South Dakota: Does Race Make a Difference?" They found disparity in the percentages of Native Americans in the criminal justice system compared with the percentage of Native Americans in the general population in South Dakota and surrounding states, although more study is needed to isolate the causes of these disparities. Their study also addresses numerous other factors in the process from arrest through trial, incarceration, and parole. A large share of the third meeting was devoted public testimony dealing with conditions in the South Dakota prison system.

Listing of Legislation Adopted

None.

Summary of Meeting Dates & Places and Listing of Committee Members

The committee met in the State Capitol in Pierre on July 31, September 13, and November 14-15, 2002.

The members of the State-Tribal Relations Study Committee were saddened by the death of long-time committee member, Senator Richard "Dick" Hagen of Pine Ridge on September 22, 2002.

Members of the committee include Sen. J.E. "Jim" Putnam (Chair) and Rep. Stan Adelstein (Vice Chair); Senators Arnold Brown, Patricia de Hueck, the late Richard Hagen, and Ron Volesky; and Representatives Jean Hunhoff, Barry Jensen, Paul Valandra, and Thomas Van Norman.

Committee staff members were Tom Magedanz, Principal Research Analyst; and Rhonda Purkapile and Teri Retrum, Senior Legislative Secretaries.